



2165
Docket No.: 1083.1048

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Takayuki HASEBE et al..

Group Art Unit: 2165

Serial No. 09/000,924

Filed: December 30, 1997

Examiner: Nguyen, C.

For: DATA PROTECTION SYSTEM, DATA PREPARATION DEVICE, AND DATA WORKING
DEVICE

LETTER TO THE EXAMINER

REQUESTING CONSIDERATION AND ACKNOWLEDGMENT OF
INFORMATION DISCLOSURE STATEMENT

Mail Stop: ISSUE FEE
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RECEIVED
FEB 09 2004
GROUP 3600

Sir:

An Information Disclosure Statement (IDS) is submitted herewith and the IDS fee for the same has been paid. The above-identified US application has been allowed. The Issue Fee has not been paid.

It is respectfully requested that the Examiner fully consider and acknowledge the Information Disclosure Statement, including Form PTO 1449 and Attachments 1(e) and 1(g), because the Information Disclosure Statement discloses a Japanese Office Action in a counterpart Japanese Patent Application No. JP 1997-154046 of the above-identified US patent application, and pursuant to 37 CFR 1.97(d) and (e)(1), as asserted in the attached IDS certification, the information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement.

01/27/2004 MAHME1 00000058 09000924

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If there are any additional fees associated with filing of this communication, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,
STAAS & HALSEY LLP

Date:

1/22/2004

By:



Mehdi Sheikerz
Registration No. 41,307

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CERTIFICATION

I, Kohno Takao; 4-3 Tsurigane-cho, 2-chome, Chuo-ku, Osaka 540-0035 JAPAN, hereby certify that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.



KOHNO Takao

Dated this 19th day of January, 2004



Attorney Docket No. 1083.1048

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Application No.: 09/000,924

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Alexandria, VA 22313-1450

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Sir:

In accordance with the duty of disclosure provisions of 37 CFR § 1.56, there is hereby provided certain information which the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the subject application.

1. Enclosures accompanying this Information Disclosure Statement are:

- 1a. ☒ Form PTO-1449.
- 1b. ☒ Copies of IDS citations.
- 1c. ☒ An English language copy of Office Action from a counterpart foreign application.
- 1d. ☐ English language translation (complete or relevant portion(s)) attached to each non-English language publication.
- 1e. ☒ Explanations of Relevancy of References (ATTACHMENT 1(e), hereto) for providing a relevancy of cited documents and concise explanation of each non-English publication.
- 1f. ☐ List of Copending Applications (ATTACHMENT 1(f), hereto).
- 1g. ☒ List of Additional Submitted Documents (ATTACHMENT 1(g), hereto).

2. ☐ This Information Disclosure Statement is filed under 37 CFR §1.97(b):

(Check either Item 2a or 2b or 2c or 2d)

- 2a. ☐ Within three months of the filing date of a national application other than a Continued Prosecution Application under § 1.53(d);
- 2b. ☐ Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application.
- 2c. ☐ Before the mailing of a first Office Action on the merits; or
- 2d. ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114.

3. ☐ This Information Disclosure Statement is filed under 37 CFR § 1.97(c) after the period specified in paragraph 2 above but before the mailing date of any of a Final Office Action under § 1.113, a Notice of Allowance under § 1.311 or an action that otherwise closes prosecution in the application, AND

(Check either Item 3a or 3b; Item 3b to be checked if any reference known for more than 3 months)

- 3a. ☐ The § 1.97(e) Statement in Item 5 below is applicable; OR
 3b. ☐ The \$180.00 fee set forth in 37 C.F.R. § 1.17(p) is:
☐ enclosed.
☐ to be charged to Deposit Account No. 19-3935.

4. ☒ This Information Disclosure Statement is filed under 37 CFR § 1.97(d) after the period specified in paragraph 3 above, but on or before payment of the Issue Fee, AND

- 4a. ☒ The § 1.97(e) Statement in Item 5 below is applicable; AND
 4b. ☒ The \$180.00 fee set forth in 37 C.F.R. § 1.17(p) is:
☒ enclosed.
☐ to be charged to Deposit Account No. 19-3935.

5. ☒ Statement under § 1.97(e) (*applicable if Item 3a or Item 4a is checked*)

(Check either Item 5a or 5b)

- 5a. ☒ In accordance with 37 CFR § 1.97(e)(1), it is stated that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
 5b. ☐ In accordance with 37 CFR § 1.97(e)(2), it is stated that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known by any individual designated in § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

6. ☐ This is a continuation/divisional/continuation-in-part application under 37 CFR § 1.53(b).

(Check appropriate Items 6a and/or 6b)

- 6a. ☐ Copies of the publications listed on the attached Form PTO-1449 which were previously cited in prior application Serial No. __, filed on __, and which is relied on for an earlier effective filing date for the subject application under 35 U.S.C. § 120, have been omitted pursuant to 37 CFR § 1.98(d).
 6b. ☐ Copies of the publications listed on the attached Form PTO-1449 which were not previously cited in prior application Serial No. __, filed on __, and which is relied on for an earlier effective filing date for the subject application under 35 U.S.C. § 120, are provided herewith.

7. ☐ This is a continuation/divisional application under 37 CFR § 1.53(d) or a Request for Continued Examination under 37 CFR 1.114.

(Check either Item 7a or 7b)

- 7a. ☐ The Issue Fee has not been paid.
7b. ☐ A Petition to Withdraw from issue under 37 CFR § 1.313(c) is filed concurrently herewith or has been granted. A continuation/divisional application under 37 CFR § 1.53(d) or a Request for Continued Examination under 37 CFR 1.114, after payment of the Issue Fee, is proper in accordance with 37 CFR § 1.53(d)(1)(ii) or 37 CFR 1.114(a), respectively.

8. ☐ This is a Supplemental Information Disclosure Statement.

(Check either Item 8a or 8b)

- 8a. ☐ This Supplemental Information Disclosure Statement under 37 CFR § 1.97(f) supplements the Information Disclosure Statement filed on _____. A bona fide attempt was made to comply with 37 CFR § 1.98, but inadvertent omissions were made. These omissions have been corrected herein. Accordingly, additional time is requested so that this Supplemental IDS can be considered as if properly filed on _____.
8b. ☐ This Supplemental Information Disclosure Statement is timely filed within one (1) month of the Notice under 37 CFR § 1.97 and 1.98, mailed _____.

9. ☒ In accordance with 37 CFR § 1.98, a concise explanation of what is presently understood to be the relevance of each non-English language publication is:

(Check appropriate Items 9a, 9b, 9c and/or 9d)

- 9a. ☐ satisfied because all non-English language publications were cited on the enclosed "English language version of the search report or action which indicates the degree of relevance found by the foreign office". (See MPEP § 609, Minimum Requirements for an Information Disclosure Statement, Part A(3): Concise Explanation of Relevance, 8th Ed.)
9b. ☐ set forth in the application.
9c. ☐ satisfied because an English language translation (complete or relevant portion(s)) is attached to each non-English language publication.
9d. ☒ enclosed as Attachment 1(e), hereto.


10. No admission is made that the information cited in this Statement is, or is considered to be, material to patentability nor a representation that a search has been made (other than search report(s) from a counterpart foreign application or a PCT International Search Report, if submitted herewith). 37 CFR §§ 1.97(g) and (h).

11. The Commissioner is authorized to credit any overpayment or charge any additional fee required under 37 CFR § 1.17 for this Information Disclosure Statement to Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Dated: 1/22/2004
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By: 
Mehdi Sheikerz
Registration No. 41,307